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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,090	07/10/1998	KIA SILVERBROOK	ART34-US	7669

7590 03/05/2002

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 03/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

NH

Advisory ActionApplication No.
09/113,070Applicant(s)
SilverbrookExaminer
Luong NguyenArt Unit
2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Feb 6, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) ^{is} ~~will not be~~ entered ~~because~~:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

4. ☐ Applicant's reply has overcome the following rejection(s): _____

5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).

6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ ^{amendment} ~~request for reconsideration~~ has been considered but does NOT place the application in condition for allowance because:
See attached

7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 6-8

9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.

10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

11. ☐ Other: _____

Art Unit: 2612

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 2/06/02 have been fully considered but they are not persuasive.

In re pages 2-3, Applicants argue that the amendment filed on 8/1/2001 did not necessitate the new ground of rejection, and final office action made on 10/10/2001 is improper.

In response, the Examiner considers that amendment filed on 8/1/2001 did necessitate the new ground of rejection, and final office action made on 10/10/2001 is proper for the reason below.

A review of the record shows that substantial changes were made to the newly added claims 6-8 in amendment filed on 8/1/2001. The newly added claims 6-8 in amendment filed on 8/1/2001 recited the features **“a camera system comprising a portable handheld camera device comprising an image sensor for sensing an image,”** and **“processor means is connected to an integral inkjet printer means internal to said portable handheld camera device** for output of said deblurred image on print media.” These features were not recited in claims 1-5 in claim filed on 7/10/1998. Claims 1 filed on 7/10/1998 only recited the feature **“a camera system comprising an image sensor for sensing an image.”** Claims 2 filed on 7/10/1998 only recited the feature **“processor means is connected to a printer means for immediate output of said deblurred image.”** Claims 3 filed on 7/10/1998 only recited the feature **“camera system is a portable handheld camera device.”** Note, for example, the newly introduce references to Stephenson

Art Unit: 2612

(US 5,757,388) is cited to show the feature claimed more specifically in the claims as amended on 8/1/2001. Thus it is clear that applicants' amendment necessitated the new grounds of rejection. The finality of the rejection is proper under M. P. E. P. 706.07(a).

In re page 4, Applicants argue that Misawa discloses a camera system for outputting de-blurred images which employs the combination of a mechanical and an electronic shake correction device. The claimed invention does not include a mechanical shake device nor, ipso facto, the combination of an electronic shake correction device and a mechanical shake correction device. In the present invention **the image is deblurred under programme control** (see page 3) whereby the complicated devices of Misawa with their inherent unreliability is avoided.

In response, it is noted that the features upon which applicant relies (i.e., **the image is deblurred under programme control** (see page 3)) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

In re pages 5-6, Applicants argue that the combination of Misawa and Stephenson is improper.

In response to Applicants' argument that there is no suggestion to combine the references (the combination of Misawa and Stephenson is improper), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of

Art Unit: 2612

ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is (703) 308-9297. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

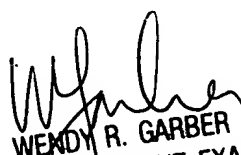
or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
2/25/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600